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SENATE BILL 406

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; PROVIDING THAT CERTAIN
RETIRED MEMBERS MAY BEGIN EMPLOYMENT AT CERTAIN INSTITUTIONS AT
ANY TIME WITHOUT SUSPENDING RETIREMENT BENEFITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001,
Chapter 283, Section 2, as amended by Laws 2003, Chapter 80,
Section 1 and by Laws 2003, Chapter 145, Section 1) is amended
to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS CONTINUED--
ADMINISTRATIVE UNIT CONTRIBUTIONS.--

A. Except as provided in Subsections B and E of
this section, beginning January 1, 2002 and continuing until
January 1, 2012, a retired member may begin employment at a
local administrative unit and shall not be required to suspend

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1 retirement benefits if the member:

2 (1) has not been employed as an employee or
3 independent contractor by a local administrative unit for at
4 least twelve consecutive months from the date of retirement to
5 the commencement of employment or reemployment with a local
6 administrative unit. If the retired member returns to
7 employment without first completing twelve consecutive months
8 of retirement, the retired member shall remove himself from
9 retirement; or

10 (2) begins employment at any time for an
11 institution of higher education specified in Article 12,
12 Section 11 of the constitution of New Mexico but receives no
13 salary from the general fund appropriation to that institution
14 for the twelve consecutive months following the date of
15 retirement. If the retired member receives a salary from the
16 general fund appropriation to that institution during the
17 twelve consecutive months following the date of retirement, the
18 retired member shall remove himself from retirement.

19 B. A retired member who was retired on or before
20 January 1, 2001, has not since suspended or been required to
21 suspend retirement benefits pursuant to the Educational
22 Retirement Act and is reemployed by a local administrative unit
23 may continue employment at the local administrative unit and
24 shall not be required to suspend retirement benefits.

25 C. A retired member who returns to employment

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1 during retirement pursuant to Subsection A or B of this section
2 is entitled to continue to receive retirement benefits but is
3 not entitled to acquire service credit or to acquire or
4 purchase service credit in the future for the period of the
5 retired member's reemployment with a local administrative unit.

6 D. A retired member who returns to employment
7 pursuant to Subsections A or B of this section shall not make
8 contributions to the fund as specified in the Educational
9 Retirement Act; however, the local administrative unit's
10 contributions as specified in that act shall be paid to the
11 fund as if the retired member was a non-retired employee.

12 E. Beginning July 1, 2003 and continuing until
13 January 1, 2012, a retired member who retired on or before
14 January 1, 2001 and who has not been employed as an employee or
15 independent contractor by a local administrative unit for at
16 least ninety days may begin employment at a local
17 administrative unit without suspending retirement benefits if
18 the retired member was not employed by a local administrative
19 unit for an additional twelve or more consecutive months after
20 the initial date of the retirement; provided that the ninety-
21 day period shall not include any part of a summer or other
22 scheduled break or vacation period."